

# Exhibit B

Edward Blum  
January 10, 2018

1

1 CAUSE NO. D-1-GN-17-002930

2 STUDENTS FOR FAIR ) IN THE DISTRICT COURT OF  
ADMISSIONS INC. )

3 )

4 Plaintiff )

5 VS. )

6 UNIVERSITY OF TEXAS AT )  
AUSTIN; WILLIAM MCRAVEN, )  
in his official capacity )  
7 as Chancellor of the )  
University of Texas )  
8 System; GREGORY L. FENVES, ) TRAVIS COUNTY, TEXAS  
in his official capacity )  
9 as the President o the )  
University of Texas at )  
10 Austin; and ERNEST )  
ALISEDA, DAVID J. BECK, )  
11 KEVIN P. ELTIFE, PAU L. )  
FOSTER, R. STEVEN HICKS )  
12 JEFFREY D. HILDEBRAND, )  
JANIECE LONGORIA, SARA )  
13 MARTINEZ TUCKER, and JAMES )  
CONRAD WEVER, in their )  
14 official capacities as )  
Members o the Board of )  
15 Regents of the University )  
of Texas Systems,, ) 53RD JUDICIAL DISTRICT

16 )

17 Defendants

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20

ORAL/VIDEOTAPED DEPOSITION OF

21

EDWARD BLUM

22

JANUARY 10, 2018

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1 ORAL/VIDEOTAPED DEPOSITION OF EDWARD BLUM,  
2 produced as a witness at the instance of DEFENDANTS, and  
3 duly sworn, was taken in the above-styled and numbered  
4 cause on January 10, 2018, from 9:06 a.m. to 2:48 p.m.,  
5 before Michelle Rodriguez, CSR in and for the State of  
6 Texas, recorded by machine shorthand, at the offices of  
7 1701 Brun Street, Suite 200, Houston, Texas 77019,  
8 pursuant to the Texas Rules of Civil Procedure and the  
9 provisions stated on the record or attached hereto; that  
10 the deposition shall be read and signed before any  
11 notary public

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23  
24  
25 JOB NO. 1-HOU-258482

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A P P E A R A N C E S

FOR PLAINTIFF:

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Arlington, Virginia 22201  
(701) 243-9423  
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FOR DEFENDANTS:

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GRAVES DOUGHERTY, HEARON & MOODY, P.C.  
401 Congress Avenue, Suite 2200  
Austin, Texas 79701  
(512) 480-5616  
Mmcketta@gdhm.com

VIDEOGRAPHER:

Nigel Clarke

ALSO PRESENT:

Patricia Ohlendorf

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1 THE VIDEOGRAPHER: All right. Today is  
2 Wednesday, January 10, 2018. We're on the record at  
3 9:06 a.m.

4 MR. MCKETTA: Very good. Before we -- yes,  
5 of course.

6 EDWARD BLUM,  
7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. MCKETTA:

10 MR. MCKETTA: Before we start, did you want  
11 to comment at all about your process?

12 MR. STRAWBRIDGE: Yes, I just want to note  
13 for the record that SFFA has asserted claims of  
14 associational and First Amendment privilege in this  
15 case. The parties have worked and discussed ways in  
16 which to limit some of the discovery requests, and SFFA  
17 has been willing to provide certain information in an  
18 attempt to kind of reach an agreement.

19 That said, by providing the information  
20 SFFA is providing, it is not waiving its right to assert  
21 the associational privilege going forward and during  
22 this deposition, and the parties have agreed that if  
23 necessary we'll leave the record open and pursue relief  
24 with the court for further -- as necessary with respect  
25 to that issue.

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1 advanced by POFR to SFFA.

2 A. Correct.

3 Q. Have there been funds advanced by POFR to SFFA  
4 after 2014?

5 A. No.

6 Q. Did POFR continue to fund the Fisher  
7 litigation, both Fisher 1 and 2 proceedings?

8 A. Yes.

9 Q. Did SFFA ever fund any portion of the Fisher  
10 litigation?

11 A. No.

12 Q. What persons devote more than a few minutes of  
13 time a month to the work of POFR beside yourself?

14 A. Outside of legal counsel?

15 Q. What -- what -- what officers or directors or  
16 if there were any employees of POFR --

17 A. Oh, I see.

18 Q. -- attend to its affairs?

19 A. The -- the -- the officers and directors of  
20 POFR have no direct day-to-day contact and  
21 decision-making with POFR.

22 Q. They participate in a periodic board of  
23 directors meeting perhaps annually?

24 A. Correct.

25 Q. And you do all of the day-to-day matters for



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1 date which is --

2 MR. MCKETTA: The dates were arranged or an  
3 approximate date, not -- not the communication, yeah.

4 MR. STRAWBRIDGE: Don't disclose any actual  
5 communications regarding strategy or the --

6 A. So I believe Grutter was decided in 2003. The  
7 University of Texas announced that day of their intent  
8 to reintroduce race as an admissions criteria. Shortly  
9 thereafter, I think legal sort of informal discussions  
10 started taking place about the legality of UT's  
11 expressed desire.

12 Q. (BY MR. MCKETTA) And thank you for identifying  
13 the topic, not the communications, please -- but just  
14 the topic. Was that with Wiley Rein?

15 A. Yes, and -- and with others, yeah.

16 Q. Right. Did Ms. Fisher ultimately select which  
17 lawyer to use in that case or did you or did someone  
18 else?

19 A. Ms. Fisher had the ultimate say in which lawyer  
20 she was going to use.

21 Q. Who selected Wiley Rein?

22 A. I recommended Wiley Rein.

23 Q. And then when Consovoy spin off from Wiley  
24 Rein, was it you who made the recommendation that -- the  
25 spin off would also provide services?

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1           A. I may have misspoken about my estimates for  
2 time and numbers, but the interrogatories reflect the  
3 true state of our membership.

4           Q. Okay. During his questioning today,  
5 Mr. McKetta referred on a number of occasions to the  
6 "nonstatutory members" of SFFA. Do you recall that  
7 term?

8           A. I do.

9           Q. Okay. Is "nonstatutory member" a term that is  
10 used within SFFA?

11          A. It is not.

12          Q. Does it appear anywhere within the bylaws of  
13 SFFA?

14          A. No.

15          Q. Okay. There was also some discussion of the  
16 permanent directors; is that correct?

17          A. Yes.

18          Q. Is there -- is there anything in the bylaws or  
19 the articles of SFFA that provides for "permanent  
20 directors"?

21          A. No.

22          Q. According to the bylaws and rules of SFFA,  
23 do -- do you, Ms. Fisher, or Mr. Fisher have anymore  
24 power as a director -- not as an officer -- as a  
25 director than the other two directors on the board?

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1 A. No.

2 Q. Can any group of three directors at any time  
3 make decisions for the board?

4 A. Yes.

5 Q. Does -- I think you -- you testified earlier  
6 today that POFR provided some additional funding to  
7 SFFA.

8 A. Yes.

9 Q. Does POFR and its board have any control over  
10 this litigation?

11 A. Does POFR?

12 Q. Yes.

13 A. No.

14 Q. Okay. Who is -- who controls this litigation?

15 A. The board of SFFA.

16 Q. And are SFFA and POFR distinct entities?

17 A. They are distinct entities.

18 Q. Okay. Mr. McKetta asked you some questions  
19 about the provisions of the bylaws regarding election  
20 procedures; is that correct?

21 A. Correct.

22 Q. Okay. And does SFFA in addition to the bylaws  
23 have a separate written policy that governs election  
24 procedures?

25 A. Outside of the bylaws?